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July 22nd, 2020

The Honorable Stewart D. Aaron
Southern District of New York
Daniel Patrick Moynihan
United States District Court
500 Pearl Street - Courtroom 11C
New York, New York 10007

USDC SDNY
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Re: Antolini vs. McCloskey, et al
Case No.: 1:19-cv-09038-GBD

Dear Judge Aaron,

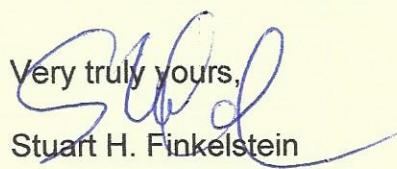
To remind the court, respectfully, I represent Plaintiff Dino Antolini and we seek a conference with your Honor regarding the purported responses to our Discovery Requests served on all defendants October 25, 2019. We write in accordance with your Individual Practices II(A).

Plaintiff served five separate Requests for Discovery: Plaintiff's First Request for the Production of Documents, Plaintiff's Request for Production pursuant to Rule 26 (a)(2), Plaintiff's First Set of Interrogatories, Plaintiff's First Request for Fact and Expert Witness Interrogatories and Rule 34 Inspection Notice. In short, defendants responded to only two of our Requests (Document and one of the Interrogatory Requests) and to those not only objected to each and every one, totaling fifty, but answered not one of them. The other three Requests were wholly ignored.

Pursuant to your Individual Practices, I apprise the Court as follows: (1) & (2) The meet and confer was held on July 21 at 4:23 pm ending at 4:26 pm; 3) Participants to the call, Stuart H. Finkelstein for Plaintiff and Joshua Levin Epstein for defendants; 4) defense counsel said he would review his responses and then get back to me by five o'clock today. He then went on to say that if would be supplementing, he would provide me with his schedule. When I asked when he would "schedule" his supplemental responses to be provided, he refused to answer; (5) I informed him we will be seeking a conference with the Court due to the stonewalling and he hung up on me.

As a result of the foregoing behavior Plaintiff seeks a conference with the Court to obtain discovery from defendants.

Respectfully, I remain,

Very truly yours,

Stuart H. Finkelstein

ENDORSEMENT: Plaintiff's request for a conference is DENIED. No later than August 14, 2020 shall meet and confer with respect to the timing of on-site, expert inspections and any other discovery issues either side wishes to raise. If a satisfactory resolution of such issues is not reached, then either side may file a formal motion to compel supported by a memorandum of law, and providing the Court with each particular discovery request in dispute. The parties are reminded of their obligations under Local Civil Rule 26.4: "Counsel are expected to cooperate with each other, consistent with the interests of their clients, in all phases of the discovery process and to be courteous in their dealings with each other, including in matters relating to scheduling and timing of various discovery procedures." SO ORDERED.

Dated: 7/29/2020

SHF/tc

To all counsel of record via ECF

